

PROPOSITION 20X

OFFICIAL TITLE

AN INIATIVE MEASURE

PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-248, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-404, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-404, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES BY AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, BY AMENDING SECTION 16-461, ARIZONA REVISED STATUTES; PROPOSING AMENDMENTS TO TITLE 16, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY REPEALING SECTION 16-510, ARIZONA REVISED STATUTES AND ADDING A NEW SECTION 16-510, ARIZONA REVISED STATUTES.

TEXT OF THE PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Sec. 1. Title

This measure shall be known as the "Your Right to Vote by Mail Act."

Sec. 2. Declaration of Purpose

It is the purpose of this measure to increase voting in Arizona. For many Arizonans, the physical act of going to their polling place on election day is an impediment to their ability to vote. There are countless reasons causing voters to unwillingly stay away from the polls, ranging from physical disability to last minute personal emergencies on election day. This measure eliminates impediments to voting and provides unlimited access to voting by registered voters, thereby increasing voting.

Under present Arizona law, any registered voter may request an early ballot for voting. The early ballot can be returned timely by mail or hand delivered to election officials. This early voting by mail process is working well as the percentage of early ballots has been increasing over the course of recent elections.

To fully maximize the ability and opportunity for all of Arizona's registered voters to vote, this measure proposes to institute a vote by mail election process in Arizona. This new election process will establish voting by mail as the standard election process and provide equal access to voting.

The present laws for voter registration will not be changed by this measure. The state's early voting option will continue under this measure. The present laws for properly verifying a mailed in ballot will be adhered to under this measure. To save tax dollars, sample ballots will no longer be mailed to each household where a registered voter resides, because a ballot will be sent automatically to each registered voter.

On election day, voters will still be able to vote at a limited number of county- wide polling places or deliver their ballots at the offices of election officials. This election day voting option ensures that those voters who prefer or need to vote in person, for whatever reason, may do so.

Sec. 3. Repeal

Section 16-248, Arizona Revised Statutes, is repealed.

Sec. 4. Repeal

Section 16-404, Arizona Revised Statutes, is repealed.

Sec. 5. Title 16, Chapter 4, Article 1, Arizona Revised Statutes, is amended by adding a new Section 16-404, to read:

16-404. Elections by mail; minimum number of polling places

NOTWITHSTANDING ANY OTHER LAW OR ANY CHARTER OR ORDINANCE OF ANY COUNTY, CITY OR TOWN TO THE CONTRARY, ANY ELECTION CALLED PURSUANT TO THE LAWS OF THIS STATE SHALL BE CONDUCTED BY MAIL. THE USE OF POLLING PLACES FOR VOTING IN THIS STATE SHALL BE RESTRICTED TO AN ABSOLUTE MINIMUM OF COUNTY WIDE AND NOT PRECINCT SPECIFIC POLLING PLACES THAT ARE DEEMED ESSENTIAL BY COUNTY RECORDERS AND ELECTION OFFICIALS. SCHOOL BUILDINGS SHALL BE PROHIBITED AS POLLING PLACES. THE COUNTY BOARDS OF SUPERVISORS SHALL ONLY APPOINT AND FURNISH ELECTIONS MATERIALS TO ELECTION BOARDS, TALLY BOARDS, INSPECTORS, MARSHALLS, JUDGES AND CLERKS OF ELECTIONS TO SERVE IN COUNTY WIDE POLLING PLACES AND NOT IN EACH PRECINCT. EARLY VOTING BY MAIL, ON-SITE EARLY VOTING AT THE COUNTY RECORDER'S OFFICE OR OTHER

ELECTION OFFICIAL'S OFFICE AND ON-SITE ELECTION DAY VOTING AT THE COUNTY RECORDER'S OFFICE OR OTHER ELECTIONS OFFICIAL'S OFFICE SHALL CONTINUE.

Sec. 6. Section 16-411, Arizona Revised Statutes, is amended to read:

16-411. Designation of election precincts and polling places; electioneering

~~A.~~ The board of supervisors of each county shall, on or before December 1 of each year preceding the year of a general election, by an order, establish a convenient number of election precincts in the county and define the boundaries thereof. Such election precinct boundaries shall be so established as included within election districts prescribed by law for elected officers of the state and its political subdivisions including community college district precincts, except those elected officers provided for in titles 30 and 48.

~~B.~~ Not less than twenty days before a general or primary election, and at least ten days before a special election, the board shall designate one polling place within each precinct where the election shall be held. Upon a specific finding of the board, included in the order or resolution designating polling places pursuant to this subsection, that no suitable polling place is available within a precinct, a polling place for such precinct may be designated within an adjacent precinct. Adjacent precincts may be combined if boundaries so established are included in election districts prescribed by law for state elected officials and political subdivisions including community college districts but not including elected officials prescribed by titles 30 and 48. The officer in charge of elections may also split a precinct for administrative purposes. Any such polling places shall be listed in separate sections of the order or resolution.

~~C.~~ If the board fails to designate the place for holding the election, or if it cannot be held at or about the place designated, the justice of the peace in the precinct shall, two days before the election, by an order, copies of which he shall immediately post in three public places in the precinct, designate the place within the precinct for holding the election. If there is no justice of the peace in the precinct, or if the justice of the peace fails to do so, the election board of the precinct shall designate and give notice of the place within the precinct of holding the election. For any election in which there are no candidates for elected office appearing on the ballot, the board may consolidate polling places and precinct boards and may consolidate the tabulation of results for that election if all of the following apply:

- ~~1.~~ All affected voters are notified by mail of the change at least thirty three days before the election.
- ~~2.~~ Notice of the change in polling places includes notice of the new voting location, notice of the hours for voting on election day and notice of the telephone number to call for voter assistance.
- ~~3.~~ All affected voters receive information on early voting that includes the application used to request an early voting ballot.

~~D.~~ The board is not required to designate a polling place for special district mail ballot elections held pursuant to article 8.1 of this chapter, but the board may designate one or more sites for voters to deposit marked ballots until 7:00 p.m. on the day of the election.

~~E.~~ Except as provided in subsection F, a public school shall provide sufficient space for use as a polling place for any city, county or state election when requested by the officer in charge of elections.

~~F.~~ The principal of the school may deny a request to provide space for use as a polling place for any city, county or state election if, within two weeks after a request has been made, he provides a written statement indicating a reason the election cannot be held in the school, including any of the following:

- ~~1.~~ Space is not available at the school.
- ~~2.~~ The safety or welfare of the children would be jeopardized.

~~G.~~ The board shall make available to the public as a public record a list of the polling places for all precincts in which the election is to be held including identification of polling place changes that were submitted to the United States department of justice for approval.

~~H.~~ B. Except in the case of an emergency, any facility that is used as a polling place on election day shall allow electioneering and other political activity outside of the seventy-five foot limit prescribed by section 16-515 in public areas and parking lots used by voters.

Sec. 7. Section 16-461, Arizona Revised Statutes, is amended to read:

16-461. Sample primary election ballots; submission to party chairmen for examination; printing and distribution of sample ballot

A. At least forty-five days before a primary election, the officer in charge of that election shall:

1. Prepare a proof of a sample ballot.
2. Submit the sample ballot proof of each party to the county chairman or in city or town primaries to the city or town chairman.
3. Mail a sample ballot proof to each candidate for whom a nomination paper and petitions have been filed.

B. Within five days after receipt of the sample ballot, the county chairman of each political party shall suggest to the election officer any change the officer considers should be made in the officer's party ballot, and if upon examination the election officer finds an error or omission in the ballot the officer shall correct it. The election officer shall cause the sample ballots to be printed and distributed as required by law, shall maintain a copy of each sample ballot and shall post a notice indicating that sample ballots are available on request. The official sample ballot shall be printed on colored paper. For voters who are not registered with a party that is entitled to continued representation on the ballot pursuant to section 16-804, the election officer may print and distribute the required sample ballots in an alternative format, including a reduced size format.

C. Not later than forty days before a primary election, the county chairman of a political party may request one sample primary election ballot of the chairman's party for each election precinct.

~~D. The board of supervisors shall have printed mailer type sample ballots for a primary election and shall mail at least eleven days prior to the election one sample ballot of a political party to each household containing a registered voter of that political party. A certified claim shall be presented to the secretary of state by the board of supervisors for the actual cost of printing, labeling and postage of each sample ballot actually mailed, and the secretary of state shall direct payment of the authenticated claim from funds of the secretary of state's office.~~

E. For city and town elections, the governing body of a city or town may have printed mailer type sample ballots for a primary election. If the city or town has printed such sample ballots, the city or town shall provide for the distribution of such ballots and shall bear the expense of printing and distribution of such sample ballots.

F. The return address on the mailer type sample ballots shall not contain the name of an appointed or elected public officer nor may the name of an appointed or elected public officer be used to indicate who produced the sample ballot.

G. ~~The great seal of the state of Arizona shall be imprinted along with the words "official voting materials" on the mailing face of each sample ballot. In county, city or town elections the seal of such jurisdiction shall be substituted for the state seal.~~

Sec. 8. Repeal

Section 16-510, Arizona Revised Statutes, is repealed.

Sec.9. Title 16, Chapter 4, Article 6, Arizona Revised Statutes, is amended by adding a new Section 16-510, to read:

16-510. Ballots to be mailed

A. THE COUNTY RECORDER OR THE GOVERNING BODY OF EACH ELECTION DISTRICT IS RESPONSIBLE FOR CONDUCTING ALL ELECTIONS BY MAIL. NOT MORE THAN THIRTY THREE DAYS BEFORE THE ELECTION AND NOT FEWER THAN FIFTEEN DAYS BEFORE THE ELECTION THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS FOR THE ELECTION DISTRICT SHALL SEND BY FIRST CLASS MAIL ALL OFFICIAL BALLOTS WITH PRINTED INSTRUCTIONS AND A RETURN ENVELOPE BEARING A PRINTED BALLOT AFFIDAVIT AS DESCRIBED IN §16-547 TO EACH QUALIFIED ELECTOR ENTITLED TO VOTE IN THE ELECTION. THE ENVELOPE IN WHICH THE BALLOT IS MAILED SHALL BE CLEARLY MARKED, "DO NOT FORWARD. RETURN TO SENDER. RETURN POSTAGE GUARANTEED. ADDRESS CORRECTION REQUESTED." THE COUNTY RECORDER OR ELECTION DISTRICT GOVERNING BOARD SHALL PAY FOR FIRST CLASS POSTAGE FOR THE RETURN BY MAIL OF ELECTORS' MARKED BALLOTS. AN ELECTOR WHO VOTES BY MAIL BALLOT SHALL RETURN THE ELECTORS' MARKED BALLOT TO THE COUNTY RECORDER'S OFFICE OR OTHER OFFICER IN CHARGE OF THE ELECTION NO LATER THAN 7:00 P.M. ON THE DAY OF ELECTION.

B. THE COUNTY RECORDER OR GOVERNING BODY OF EACH ELECTION DISTRICT SHALL BE RESPONSIBLE FOR RECEIVING AND PROCESSING MAIL BALLOTS AND SHALL FOLLOW THE SAME PROCEDURES AS SET FORTH FOR THE RECEIPT, PROCESSING AND CHALLENGES OF EARLY BALLOTS PURSUANT TO §16-550A, §16-551 AND §16-552.